



MEMO

Date: July 16, 2020
To: Project Review Advisory Committee Members
From: Nina Bellucci, Project Planner
Subject: Request for review of conditions for CMO19-0012

The applicants are requesting modification of the building setback line mapped on Parcel Map 5700, to facilitate construction of a new single-family residence and a new agricultural building with an attached accessory dwelling unit. Construction of the single-family residence would require administrative design review. Current uses on the project site include a vineyard.

The project proposes to reduce the building setback line from 200' to 140', which maintains the separation between agricultural uses and residential uses required by General Plan policy AR-4c:

Protect agricultural operations by establishing a buffer between an agricultural land use and residential interface. Buffers shall generally be defined as a physical separation of 100 to 200' and/or may be a topographic feature, a substantial tree stand, water course or similar feature. In some circumstances a landscaped berm may provide the buffer. The buffer shall occur on the parcel for which a permit is sought and shall favor protection of the maximum amount of farmable land.

A request to reduce the building setback from 200' to 140; for another parcel (Lot 3) in this subdivision was approved under CMO97-0004.

Staff of the Northwest Information Center recommended a cultural resources study. The study (dated February 28, 2020) concluded that no additional archaeological recommendations were warranted.

Permit Sonoma has determined that the project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15305 of the CEQA Guidelines, Minor Alterations in Land Use Limitations, because:

1. The project site has an average slope of less than 20% and
2. The project would not result in any changes in land use or density.

Staff recommends approval of the project with the attached conditions of approval.



**SONOMA COUNTY PROJECT REVIEW & ADVISORY COMMITTEE
DRAFT CONDITIONS OF APPROVAL**

Date:		File No.:	CMO19-0012
Applicant:	Michael Kovac & Karina Maher	Address:	2272 Upper Nelligan Lane, Glen Ellen
Owner:	KOVAC J MICHAEL TR & MAHER KARINA E TR	APN:	053-030-023

Project Description: Request for Certificate of Modification to modify the existing building setback line from 200 feet to 100 feet from the northern property line and 140 feet from the western property line. The proposed CMO is to reduce grading and potential visual impacts in order to accommodate a new accessory dwelling unit / agricultural building and a new primary dwelling unit.

Prior to commencing the use, evidence must be submitted to the file that all of the following non-operational conditions have been met.

NOTES:

The Director of Permit Sonoma is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to Permit Sonoma demonstrating that the conditions is infeasible due to specific constraints (e.g., lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. Permit Sonoma shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by Permit Sonoma are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from Permit Sonoma, and shall not affect the original permit approval date or the term for expiration of the permit.

The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state, and federal regulations.

SURVEYOR:

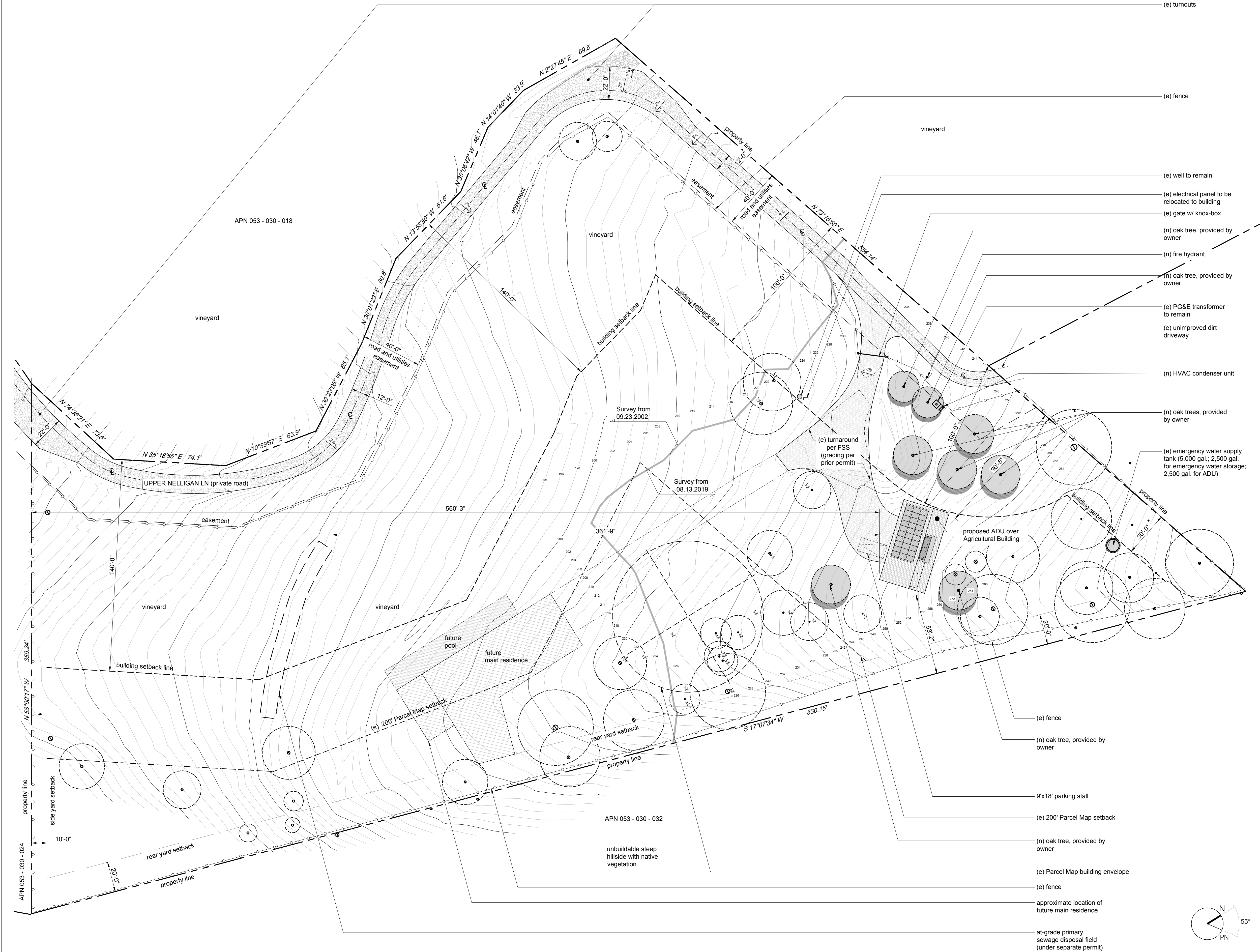
1. In accordance with Section 66472.1 of the Subdivision Map Act, the following findings are made:
 - a. That there are changes in circumstances which make any and all of the conditions of such map no longer appropriate or necessary;
 - b. That the modifications do not impose any additional burden on the present fee owner of the property;
 - c. That the modifications do not alter any right, title or interest in the real property reflected on the recorded map; and
 - d. That the map as modified conforms to all the provisions of the Subdivision Map Act and local implementing ordinances.
2. An Amended Map or Certificate of Modification prepared by a Licensed Land Surveyor or a Civil Engineer authorized to practice land surveying, shall be submitted to the County Surveyor within two (2) years after date of approval. It shall be accompanied by a CURRENT Title Report showing proof of ownership and documentation listing those with a record title interest in the property. Upon recording the Amended Map or Certificate of Modification the original map will be deemed to have been modified.
3. Approval is given for the modification of the "200' Building Set Back Line" as shown on that map entitled "Parcel Map number 5700" filed in the office of the County Recorder in Book 290 of Maps, Pages 4, Sonoma County Records, to reflect that "Proposed Modified Building Set Back Line" as shown on that "Certificate of Modification Site Plan A1.1, Kovac, Issuance Planning Review, Dated June 24, 2020, by Kovac Design Studio." made a part of this application.

4. **NOTICE:** Anyone with a record title interest in the property shall sign a statement on the map or certificate consenting to the preparation and recording of said map or certificate:
- I (We) have an interest in the property reflected on this certificate of correction (modification) and hereby consent to the preparation and recordation of this document.
 - Signatures need to be acknowledged by a Notary Public.

PLANNING:

5. Construction on the parcel is subject to prior approval and issuance of applicable building and/or grading permits.
6. Prior to building permit issuance or prior to exercising this approval, whichever comes first, the property owners shall execute and record a Right-to-Farm declaration on a form provided by Permit Sonoma.
7. All grading and building permits plans involving ground disturbing activities shall include the following notes:
- “If paleontological resources or prehistoric, historic or tribal cultural resources are encountered during ground-disturbing work, all work in the immediate vicinity shall be halted and the operator must immediately notify the Permit Sonoma staff of the find. The operator shall be responsible for the cost to have a qualified paleontologist, archaeologist or tribal cultural resource specialist under contract to evaluate the find and make recommendations to protect the resource in a report to Permit Sonoma. Paleontological resources include fossils of animals, plants or other organisms. Prehistoric resources include humanly modified stone, shell, or bones, hearths, firepits, obsidian and chert flaked-stone tools (e.g., projectile points, knives, choppers), midden (culturally darkened soil containing heat-affected rock, artifacts, animal bone, or shellfish remains), stone milling equipment, such as mortars and pestles, and certain sites features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe. Historic resources include all by-products of human use greater than fifty (50) years of age including, backfilled privies, wells, and refuse pits; concrete, stone, or wood structural elements or foundations; and concentrations of metal, glass, and ceramic refuse.
- If human remains are encountered, work in the immediate vicinity shall be halted and the operator shall notify Permit Sonoma and the Sonoma County Coroner immediately. At the same time, the operator shall be responsible for the cost to have a qualified archaeologist under contract to evaluate the discovery. If the human remains are determined to be of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification so that a Most Likely Descendant can be designated and the appropriate measures implemented in compliance with the California Government Code and Public Resources Code.”
8. NOTE ON MAP: “Agricultural activities occur in the area and noise, dust, odor, smoke, and pesticide use may occur and are consistent with the Sonoma County General Plan Land Use designation for the area.”
9. The applicant shall include these Conditions of Approval on separate sheets of plan sets to be submitted for building and grading permit applications.
10. These conditions must be met and the application validated within 24 months from the date of the Project Review and Advisory Committee final action unless a request for an extension of time is received before the expiration date.

1. The Contractor shall visit the site and be knowledgeable of the conditions thereon before commencing work. The Contractor shall verify all grades, lines, levels, and dimensions on the drawings and shall notify the Architect of any condition requiring modification before proceeding with affected work. See 'General Notes' on A0.2 for additional requirements.
2. The contractor shall review all notes contained in sheet A0.2 and comply with any requirement applicable to this plan. The contractor shall notify the architect of any discrepancies between the notes and the plans before proceeding.
3. The contractor shall verify "centerline" and "matchline" alignments of all architectural elements (i.e. doors, windows, etc.). The contractor shall notify the architect of any discrepancies before proceeding.
4. Provide and field locate automatic earthquake shutoff valve. Coordinate location with architect prior to installation.
5. Issued plans and permits with Fire Department review notes attached shall be kept on the premises and be readily available for inspections to proceed. [2016 CFC 105]
6. During construction, provide a minimum 2A rated fire extinguisher. Following completion the Fire Department recommends a 2A10B:C fire extinguisher for this building. [16 CFC 3315.1]
7. All roads and driveways shall have all-weather driving surfaces. All structural sections shall be constructed so as to a minimum of 75,000 pounds or exceed the standards in Sonoma County Fire Code 13-30.
8. All driveways shall be constructed to provide a minimum of one (1) twelve foot (12') traffic lane and an unobstructed vertical clearance of fifteen feet (15') along the entire length of the driveway.
9. Where a gated entrance is locked, a lock box or other emergency release device approved by the County Fire Chief shall be provided for emergency access. KNOX Gate access.
10. If the water supply to the parcel is provided by a private water well an emergency water storage of not less than two thousand five hundred (2,500) gallon capacity shall be provided. A single two thousand five hundred (2,500) gallon tank may serve more than one building on the same parcel, provided all hydrants are located in accordance with Section 13-52. Sec. 13-51(c), (d)
11. Crash protection shall be per California Fire Code, Chapter Three Section 312.
12. A reflective blue marker (for both hydrants) with a minimum dimension of three inches (3"), shall be mounted on a fire retardant post. The post shall be within three feet (3') of the hydrant, with the marker no less than three feet (3') nor greater than five feet (5') above ground, aimed toward headlights, in a horizontal position and visible from the driveway. Section 13-53 (b)(1)
13. All buildings shall be identified by an address issued by the Director of Permit and Resource Management. Sec. 13-46.
14. Numbers for one and two-family dwellings shall be a minimum of 4 inches (101.6mm) high with a minimum stroke width of 0.5 inches (12.7 mm). Sec. 13-47(a).
15. All buildings shall have a permanently posted address, which shall be placed on building and shall be plainly visible and legible from the road on which the address is located or the primary driveway. The numbers shall contrast with their background. Sec. 13-48(a).
16. Temporary address numbers shall be posted during construction. 16 CFC 505.2
17. This project **shall require** an approved automatic Fire Sprinkler System. Plans and specifications shall be submitted *in a separate process for review prior to installation.* Section 903.2
- i. Fire sprinkler system plans shall illustrate the water supply connection, pipe diameters, lengths, and fittings to the building. The system flow rate shall be established and it shall be determined that the flow allowed meets or exceeds the system demand and that the total demand flow does not exceed the maximum flow allowed by the piping system components. [NFPA 13D 8.4.4]
- ii. Reference Fire Safe Standard Drawing F17.
18. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down, removed and maintained by the owner or occupant of the premises [2013 CFC 304.1.2, SFC 304.1.2.1]



Site Plan
1/32"=1'-0"

KOVAC

ISSUANCE DATE

Issuance
Planning Review 2020.06.24

Primary Not
for construction

LICENSURE ARCHITECT
STATE OF CALIFORNIA

J. MICHAEL KOVAC

REGISTRATION DATE
2020.06.24

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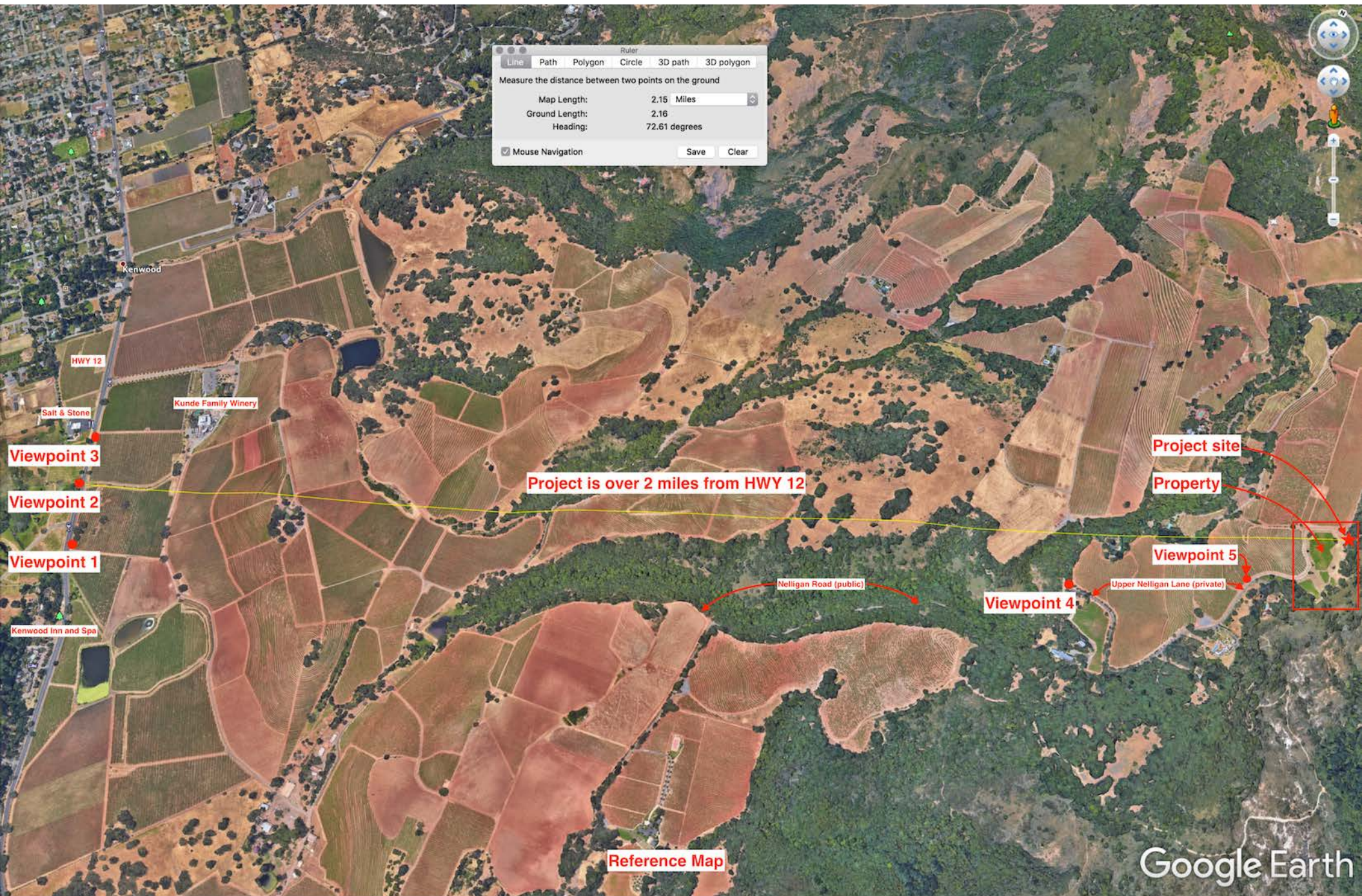
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+1 323 467 5635
Contact : Pia DeLeon-Neumayr

LUPIN RIDGE
2272 Upper Nelligan Ln
Glen Ellen, CA 95442

A1.1
Site Plan

0 32'-0"



Ruler

Line Path Polygon Circle 3D path 3D polygon

Measure the distance between two points on the ground

Map Length: 2.15 Miles

Ground Length: 2.16

Heading: 72.61 degrees

☒ Mouse Navigation

Save Clear

Project site

Property

Viewpoint 5

Upper Nelligan Lane (private)

Viewpoint 4

Nelligan Road (public)

Reference Map

Google Earth

Project is over 2 miles from HWY 12

Viewpoint 3

Viewpoint 2

Viewpoint 1

Kenwood Inn and Spa

Salt & Stone

Kunde Family Winery

Kenwood

HWY 12

Viewpoint 1

Entire property hidden behind hill and trees



View from HWY 12 looking east, just north of the Kenwood Inn and Spa (see map)

Viewpoint 2

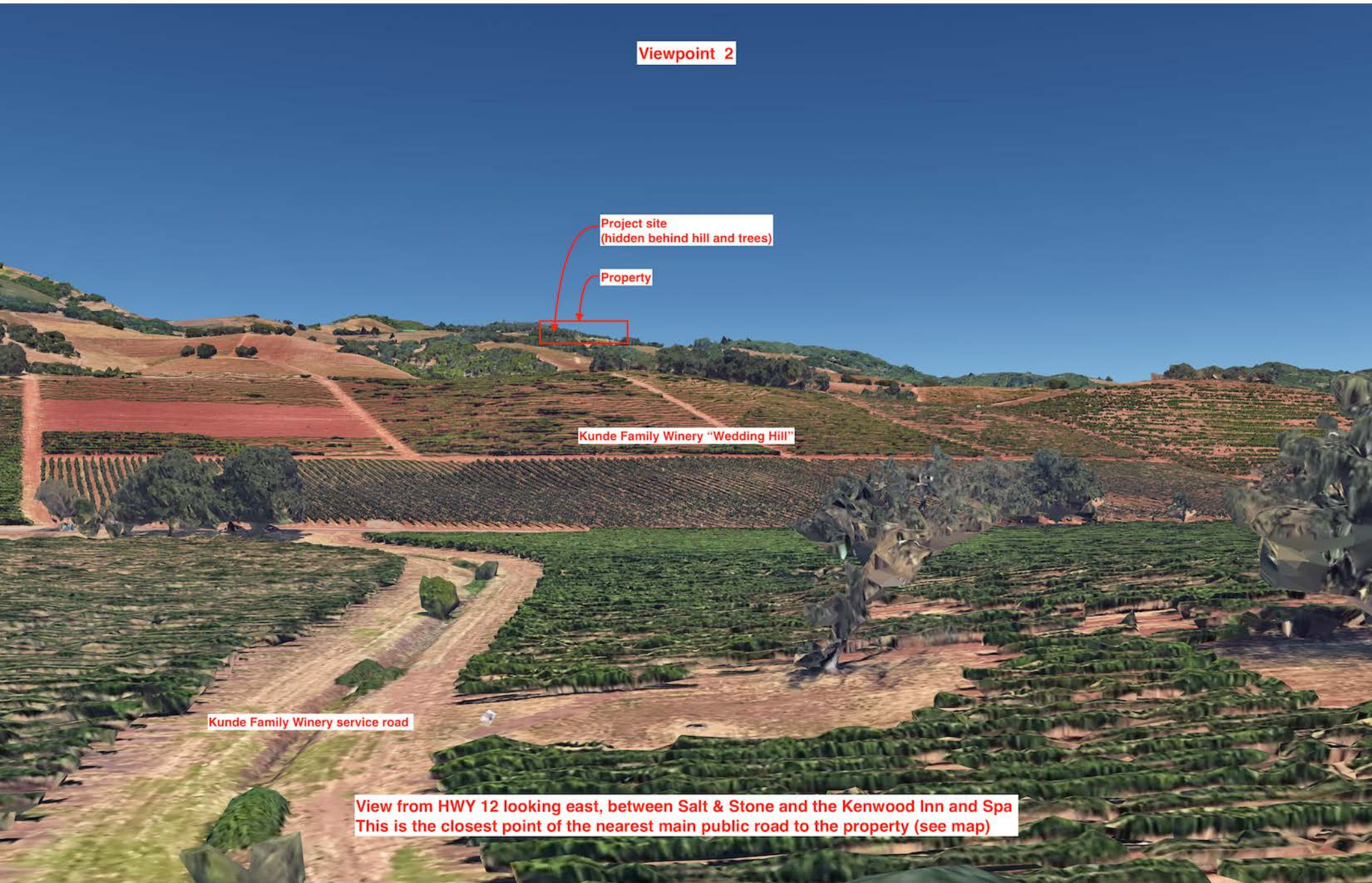
Project site
(hidden behind hill and trees)

Property

Kunde Family Winery "Wedding Hill"

Kunde Family Winery service road

View from HWY 12 looking east, between Salt & Stone and the Kenwood Inn and Spa
This is the closest point of the nearest main public road to the property (see map)



Viewpoint 3

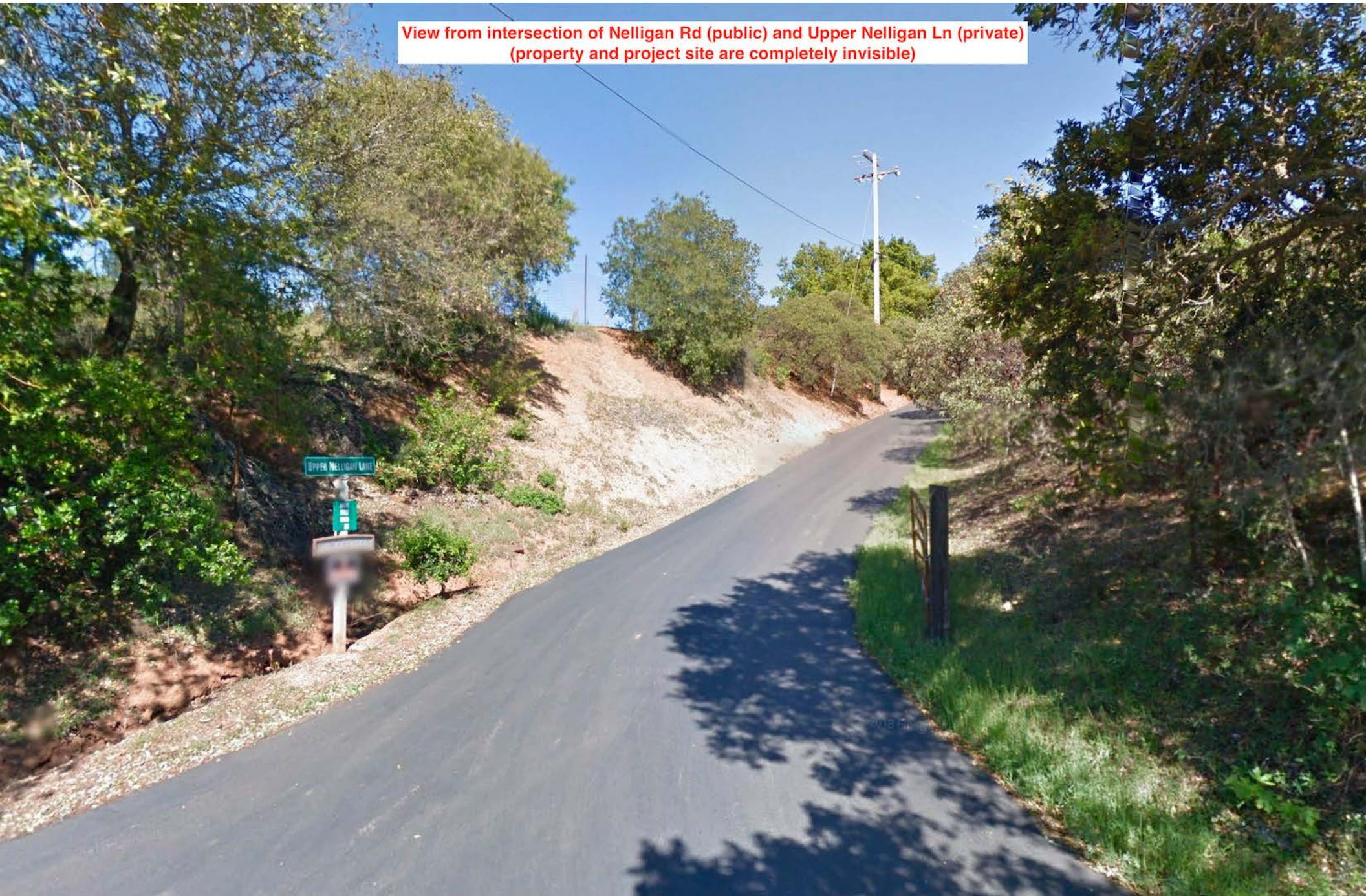
Entire property hidden behind hill and trees

Kunde Family Winery

View from HWY 12 looking east, across from Salt & Stone (see map)



View from intersection of Nelligan Rd (public) and Upper Nelligan Ln (private)
(property and project site are completely invisible)



View from project site looking towards Sonoma Mountain
(photo taken after Nuns Fire)



South edge of oak trees in front of project

Well

View from project site looking towards Kenwood
(photo taken after Nuns Fire)

North edge of oak trees in front of project

Entry Gate

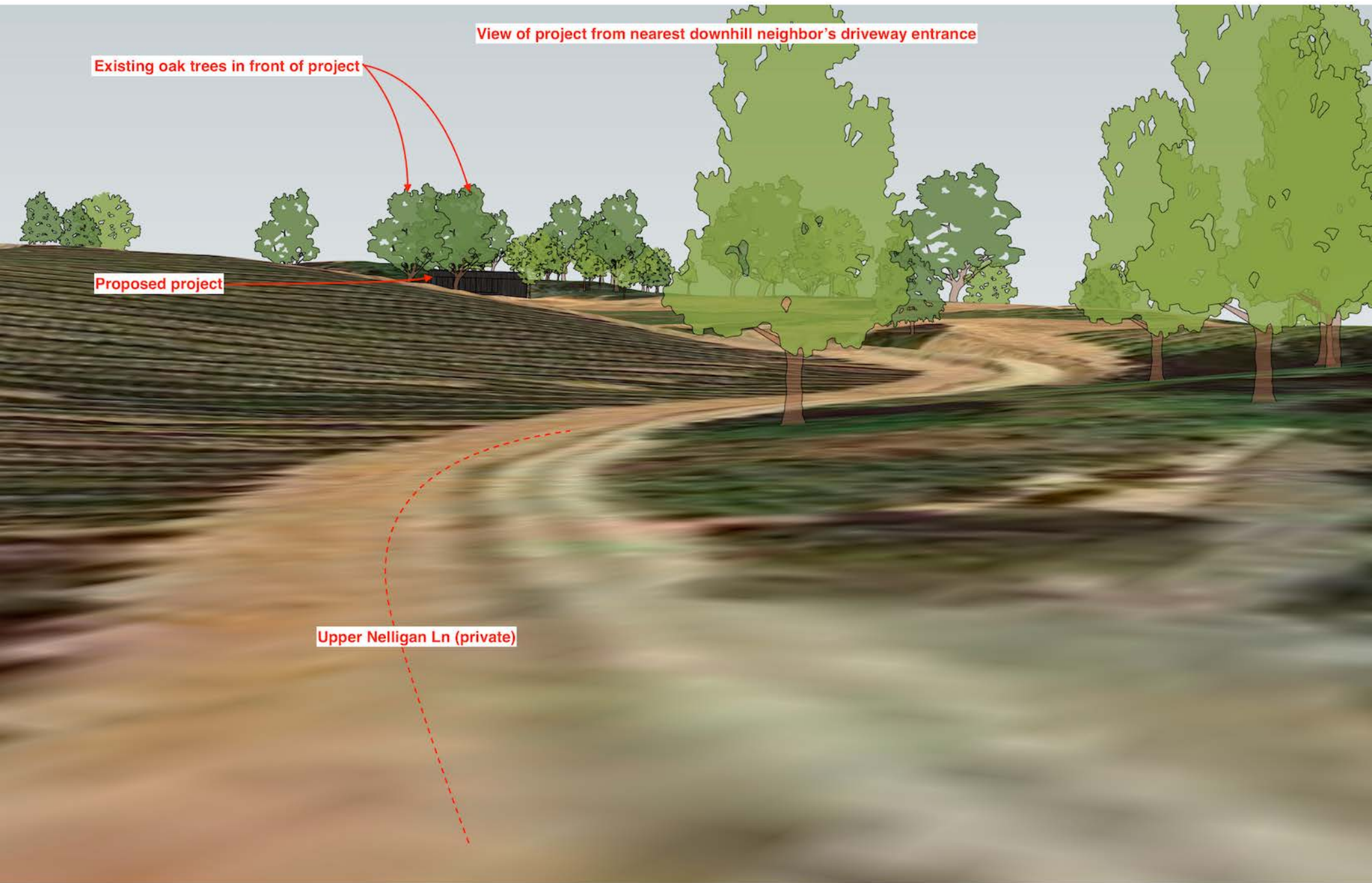


View of project from nearest downhill neighbor's driveway entrance

Existing oak trees in front of project

Proposed project

Upper Nelligan Ln (private)



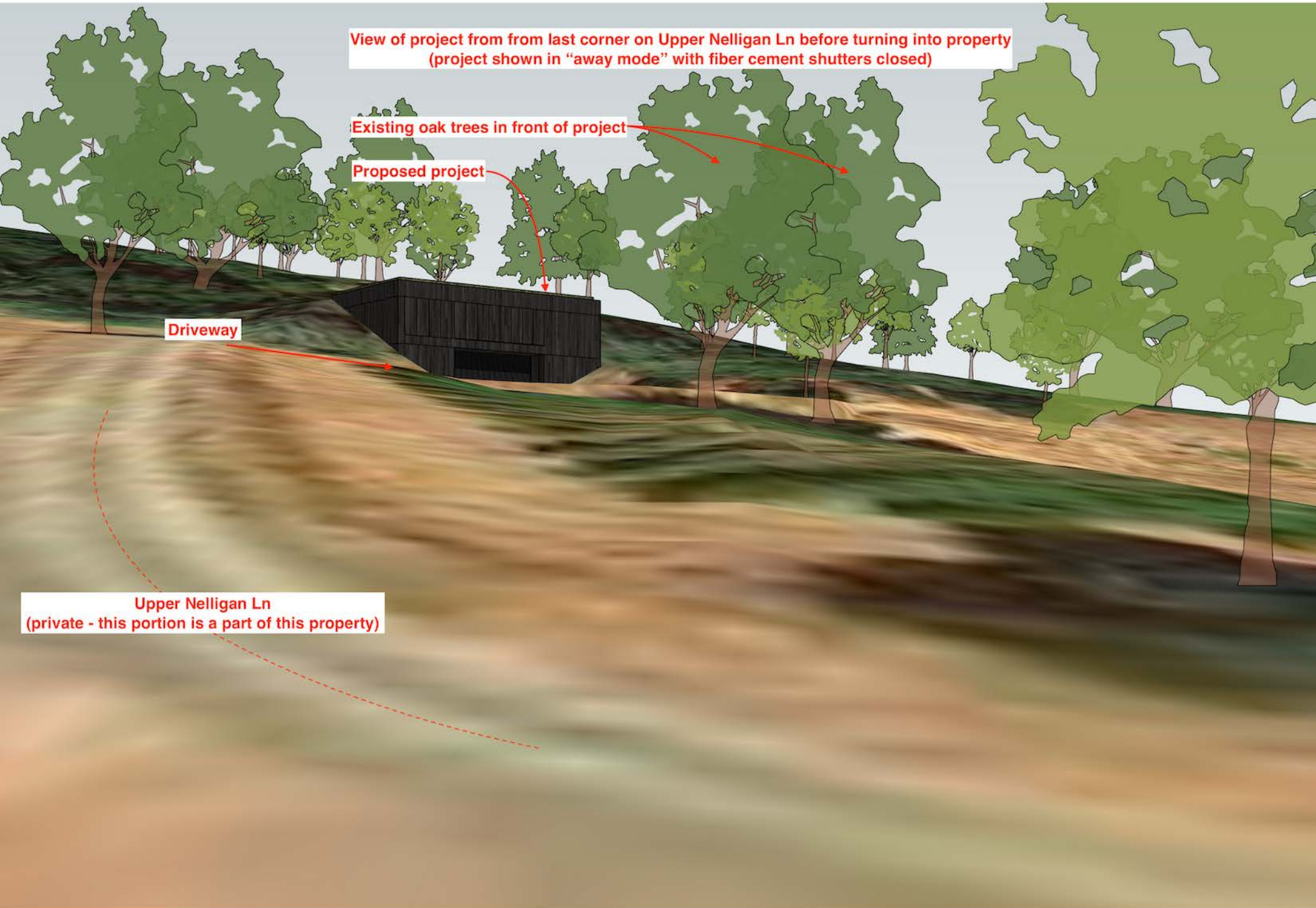
View of project from from last corner on Upper Nelligan Ln before turning into property
(project shown in "away mode" with fiber cement shutters closed)

Existing oak trees in front of project

Proposed project

Driveway

Upper Nelligan Ln
(private - this portion is a part of this property)



View of project from from last corner on Upper Nelligan Ln before turning into property
(project shown in "home mode" with all fiber cement shutters open)

Existing oak trees in front of project

Proposed project

Driveway

Upper Nelligan Ln
(private - this portion is a part of this property)

